

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARGARET EVE-LYNNE MIYASAKI,  
Plaintiff,  
v.  
KYNA TREACY, et al.,  
Defendants.

Case No. [12-cv-04427-MEJ](#)

**ORDER TO SHOW CAUSE**

On December 10, 2013, Plaintiff Margaret Eve-Lynne Miyasaki filed her Fifth Status Report, indicating that she was still attempting to effect service of process on Defendant and requesting that the Court continue this matter for 90 days for another status conference. Dkt. No. 17. On December 18, 2013, the Court granted Plaintiff's request and ordered Plaintiff to file a Sixth Status Report by March 6, 2014, detailing whether service had been completed. Order, Dkt. No. 18. In the Order, the Court noted that Plaintiff filed this case over a year ago, and has had ample time to locate and serve Defendant. *Id.* The Court ordered Plaintiff to show cause as to why this action should not be dismissed if she failed to serve Defendant by March 6, 2014. *Id.* Instead, on March 6, 2014, Plaintiff filed a copy of the Fifth Status Report in a different typeface indicating that she was still attempting to personally serve Defendant and/or discover alternative methods of service in accordance with Australian law. Dkt. No. 19.

Accordingly, the Court hereby ORDERS Plaintiff Margaret Eve-Lynne Miyasaki to show cause why this case should not be dismissed for failure to prosecute and failure to comply with court deadlines. Plaintiff shall file a declaration by April 17, 2014, in which she shall advise the Court whether she has served Defendant. If a responsive declaration is filed, the Court shall either issue an order based on the declaration or conduct a hearing on April 24, 2014 at 10:00 a.m. in

Courtroom B, 15th Floor, 450 Golden Gate Avenue, San Francisco, California. Notice is hereby provided to Plaintiff(s) that the Court may dismiss the case without a hearing if no responsive declaration is filed. Thus, it is imperative that Plaintiff(s) file a written response by the deadline above.

**IT IS SO ORDERED.**

Dated: March 14, 2014



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MARIA-ELENA JAMES  
United States Magistrate Judge

United States District Court  
Northern District of California